

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

ORIGINAL

AUG 6 2008

UNITED STATES OF AMERICA

v.

FELICISIMO BELLEZA

(Name and Address of Defendant)

Venue: SAN FRANCISCO

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**CRIMINAL COMPLAINT**

CASE NUMBER: 3 08 70513 RZ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief: On or about July 31, 2008, in San Mateo County, in the Northern District of California, the defendant did threaten to assault and murder a Federal law enforcement officer or an official whose killing would be a crime under section 1114 of this title, with intent to impede, intimidate, and interfere with such official or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official or law enforcement officer on account of the performance of official duties, in violation of Title 18 United States Code, Section 115(a)(1)(B), Threatening an Officer of the United States.

I further state that I am a Special Agent and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint**Maximum Penalties:**

Title 18 USC Section 115(a)(1)(B):

10 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee.

APPROVED AS TO FORM:

Derek Owens, AUSA

Continued on the attached sheet and made a part hereof: Yes NoArrest Warrant Requested: Yes NoBail Amount: No Bail

Sworn to before me and subscribed in my presence,

August 6, 2008

Date

at San Francisco, California

City and State

Signature of Complainant, Lori L. Rang

Bernard Zimmerman**United States Magistrate Judge**

Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
NORTHERN DISTRICT OF CALIFORNIA) ss. AFFIDAVIT

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
CHARGING FELICISIMO BELLEZA
WITH VIOLATING 18 U.S.C. § 115(a)(1)(B);
INFLUENCING, IMPEDEING, OR RETALIATING AGAINST A FEDERAL
OFFICIAL BY THREAT

I, Lori L. Pang, being duly sworn, depose and state:

Affiant Background

1. I am a Special Agent with the U.S. Department of Veterans Affairs, Office of the Inspector General (VAOIG), Criminal Investigations Division, and have served in this position since May 1999. Prior to my employment with the VAOIG, I was a Special Agent with the United States Customs Service (USCS) from August 1986 to May 1999. I have received over 800 hours of law enforcement training during my tenure as a Special Agent, at the Federal Law Enforcement Training Center and on the job. I have conducted numerous investigations of criminal violations involving fraud, theft, threats, narcotics and money laundering.

2. I am responsible for investigating violations of laws of the United States, and I am a law enforcement officer with the authority to execute arrest and search warrants issued under the authority of the United States. I am responsible for enforcing federal criminal statutes including threats against Federal employees, pursuant 18 U.S.C. § 115. I have received training and actual experience relating to Federal Criminal Procedures, and Federal Statutes.

Purpose of Affidavit

3. This affidavit establishes probable cause to arrest FELICISIMO BELLEZA for Threatening an Officer or Employee of the United States, in violation of 18 U.S.C. § 115(a)(1)(B), when he threatened to buy a machine gun and kill everyone at the San Francisco Veterans Affairs Medical Center (“SFVAMC”) nursing home.

4. This affidavit is based in part upon my personal knowledge and by interviews with other VA employees. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation, however, no detail or fact that would potentially negate probable cause has been excluded.

Relevant Statute

5. Title 18, United States Code, Section 115(a)(1)(B) states that it is unlawful to “threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under [section 1114 of this title], with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b).”

6. Title 18, United States Code, Section 1114 states that “Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished.”

Facts Supporting Probable Cause

7. On July 22, 2008, I received information from Veteran’s Administration (“VA”) Police Chief Robert Baczek that FELICISIMO BELLEZA made verbal threats to harm several VA employees at the SFVAMC, 4150 Clement Street, San Francisco, CA. BELLEZA is an employee at the SFVAMC nursing home. Also employed at the nursing home are hundreds of VA employees and federal law enforcement officers. BELLEZA received a proposed termination letter due to abusiveness to the nursing home staff, sexual harassment, inappropriate touching of staff, and making threats. BELLEZA was in a meeting with the SFAVMC Acting Director and the Labor Relations Specialist. The meeting was a chance for BELLEZA to answer to the termination charges brought against him. During the meeting, BELLEZA stated that he felt the veterans were not receiving proper care, and that he was angry that the VA Police were always following him around the hospital grounds. The reason the VA Police follow BELLEZA was because of his behavior towards his co-workers. BELLEZA stated to the Director and the Labor Relations Specialist that when he gets mad he cannot control himself, that he was scared to come to work, and that he was thinking of getting a gun.

8. On July 31, 2008, BELLEZA had an appointment at the VA Palo Alto Hospital. While there, BELLEZA met with a VA Veterans Benefit Counselor. BELLEZA told the Benefit Counselor that he felt the veterans were not receiving proper treatment for the employees at the SFVAMC. BELLEZA also stated, “If there was a gun show, I might buy a machine gun and kill everyone at the nursing home.” According to the Benefit Counselor, BELLEZA appeared calm and medicated when BELLEZA made the threatening statement. The Benefit Counselor also stated that BELLEZA was dressed in regular street clothes.

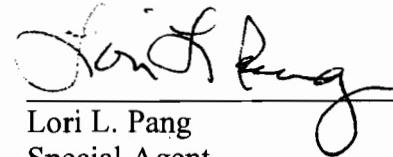
9. Later that same day, July 31, 2008, BELLEZA went to the SFVAMC for an appointment. The SFVAMC Police watched BELLEZA and noticed that he was dressed in desert fatigue clothing, similar to what the soldiers wear in Iraq. When BELLEZA left the SFVAMC after his appointment was over, the SFVAMC Police noticed that BELLEZA had changed back into regular street clothes.

10. The SFVAMC Police have increased security around the nursing home due to BELLEZA's threats. Cameras have been added around the building, some doors have been locked, and the automatic front door to the nursing home has been disabled. The only way to enter the nursing home is with an employee card reader, or by showing identification. The SFVAMC Police have also added a full-time police officer to stand post at the entrance to the nursing home, in addition to additional police patrols.

Conclusion

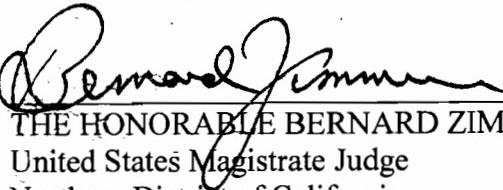
11. Based on the facts and information detailed in the affidavit, I believe probable cause exists that FELICISIMO BELLEZA made threats to buy a machine gun and kill SFVAMC nursing home employees, in violation of 18 U.S.C. 115 (a)(1)(B). As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Lori L. Pang
Special Agent
VAOIG

SUBSCRIBED AND SWORN BEFORE ME
ON August 6, 2008



THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge
Northern District of California